

REMARKS

Summary of the Office Action

Claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182, and 183 are pending.

Claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182, and 183 are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Hendricks et al. U.S. Patent No. 5,600,364 (hereinafter "Hendricks") in view of Seidman et al. U.S. Patent No. 6,298,482 (hereinafter "Seidman").

This rejection is respectfully traversed.

Summary of Applicants' Claims

Applicants' independent claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182, and 183 are directed towards interactive television program guide systems and methods for monitoring a user's interactions with the interactive television program guide to determine the user's interests. Based on the user's interests, targeted advertisements are displayed (claims 103, 104, 109, 110, 176, and 177) or targeted actions are taken (Claims 115, 116, 121, 122, 182, and 183) in the interactive television program guide. Information on which advertisements are displayed or which actions are taken is transmitted from the program guide to a central facility and collected in a monitoring record at the

central facility. The transmitted information may include, for example, "the location in the program guide in which each targeted advertisement was displayed" (claims 103, 109, and 176), "the reasons that each targeted advertisement was displayed" (claims 104, 110, and 177), "the location in the program guide in which each targeted action was taken" (claims 115, 121, and 182), or "the reasons that each targeted action was taken" (claims 116, 122, and 183).

Applicants' Reply To The Rejections
Under 35 U.S.C. § 103(a)

Claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182 and 183 were rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Hendricks in view of Seidman. However, applicants respectfully submit that, for the reasons set forth in detail below, the Office Action has failed to establish a *prima facie* case of obviousness and the § 103 rejections should therefore be withdrawn.

A. Hendricks Does Not Disclose Transmitting
The Location In The Program Guide In Which
Each Targeted Advertisement Was Displayed
Or Each Targeted Action Was Taken

With regard to claims 103, 109, 115, 121, 176, and 182, the Examiner contends that Hendricks discloses applicants' claimed feature of transmitting "the location in the program guide in which each targeted advertisement was displayed" (claims 103, 109, and 176) and "the location in the program guide in which each targeted action was taken" (claims 115, 121, and 182) (Office Action, pages 3 and 5). Applicants respectfully disagree.

Applicants respectfully submit that the Examiner has misunderstood the difference between applicants' approach of transmitting *from the program guide to a central facility* information on which advertisements are displayed or which actions are taken by the interactive television program guide with Hendricks' approach of providing a network controller, located *at the cable headend*, which generates packages of advertisements that are displayed during the viewing of programs such that they appear as television commercials or infomercials. These generated packages of advertisements are relayed to the set-top terminal using program signals. In the Examiner's attempt to show that information is transmitted from the program guide to a

central facility, the Examiner inappropriately relies on a section that discusses "status reports," which are used to transmit a "subscriber's program access history" (Hendricks, column 17, lines 50-55). In particular, the Examiner analogizes the status report frames to the polling request frames. The polling request frames contain information about the location in the menu where each program listing will be displayed, thus the Examiner contends that the status report frames contain information on the location in the menu where advertisements are displayed or where actions are taken. However, applicants respectfully submit that the Examiner's analogy is mistaken. The information contained in the "status report" is limited to the "status of the indeterminate number of programs accessed," and not the descriptions codes or menu codes that may be contained in a polling request frame (Hendricks, column 27, line 50 through column 28, line 2; see also FIGS. 10a and 10b). Thus, with regard to the location in the program guide in which targeted advertisements are displayed or targeted actions are taken, nothing is transmitted from the interactive television program guide to the central facility (e.g., the headend) for collection by the central facility.

B. Hendricks Does Not Disclose Transmitting
The Reasons That Each Targeted
Advertisement Was Displayed Or The Reasons
That Each Targeted Action Was Taken

With regard to claims 104, 110, 116, 122, 177, and 183, the Examiner contends that Hendricks discloses applicants' claimed feature of transmitting "the reasons that each targeted advertisement was displayed" (claims 104, 110, and 177) and "the reasons that each targeted action was taken" (claims 116, 122, and 183) (Office Action, page 5). Applicants respectfully disagree.

As stated above in section III. A., applicants respectfully submit that the deficiency in Hendricks is that Hendricks does not transmit *from the program guide to a central facility* the reasons that each advertisement is displayed or each action is taken by the interactive television program guide. In the Examiner's attempt to show applicants' feature, the Examiner relies on a section that discusses the "Viewer Profile database," which contains demographic data that is maintained on the network controller. However, demographic data is not a "reason" for targeting an advertisement or taking an action. Demographic data may be used by a targeting algorithm to produce a result. A "reason" for displaying a targeted advertisement or taking a targeted action may be supported by demographic data, but the data is not a

"reason" in itself. Thus, the Hendricks-Seidman combination still does not show or suggest applicant's feature of "transmitting the reasons that each targeted advertisement was displayed" or "transmitting the reasons that each targeted action was taken."

C. The Office Action Fails to Provide a Sufficient Motivation for Making the Hendricks-Seidman Combination

Applicants respectfully submit that the § 103 rejection must be withdrawn for another independent reason.

Applicants respectfully submit that there is no motivation to combine Hendricks with Seidman. In fact, the system of Hendricks teaches away from a combination with Seidman. The network controller of Hendricks generates a package of advertisements that are relayed from the network controller to set-top terminals using program signals. The Examiner argues that the system of Hendricks should be combined with the system of Seidman, which refers to monitoring advertisements at a set-top terminal and transmitting the results of the monitoring to a cable headend. However, the system of Hendricks does not monitor advertisements because the network controller located at the headend already has information on the advertisement relayed to the set-top terminal.

Thus, there is no reason to combine the system of Hendricks with the system of Seidman.

Accordingly, the rejection of applicants' claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182, and 183 should be withdrawn.

Conclusion

The foregoing demonstrates that claims 103, 104, 109, 110, 115, 116, 121, 122, 176, 177, 182, and 183 are allowable. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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